Ser. No.: 10/700,837

BHGL Ref. No. 12729/38
Yahoo! Ref No. Y00239US01

<center>**REMARKS**</center>

This is an amendment and remarks filed in response to the Office Action dated February 4, 2008. The Examiner had rejected claims 49-50, 54-59, 61, 64, 66-72, 77-83, 85, 88, and 90-93 under 35 U.S.C. § 103(a) as being unpatentable by U.S. Pat. No. 6,401,075 ("Mason") in view of U.S. Pat. No. 6,269,361 ("Davis"), and "ah-ha.com Chooses RuleSpace Technology to Eliminate Inappropriate Content" ("Business Editors"). Claims 52, 53, and 74-76 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mason in view of U.S. Pat. No. 6,167,382 ("Sparks"). Claims 51, 60, 62-63, 65, 73, 84, 86-87, 89, and 94 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mason in view of Official Notice. No new matter has been added. Reconsideration of the application is respectfully requested in light of the above amendments and the following remarks.

I.   INTERVIEW REQUEST

Applicants' Attorney, Scott Timmerman, would like to request an interview with the Examiner to discuss this Amendment and Remarks in view of the cited art. The applicants' attorney can be reached at 312-222-8125.

II.   REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 49-50, 54-59, 61, 64, 66-72, 77-83, 85, 88, and 90-93 were rejected under 35 U.S.C. § 103(a) as being unpatentable by Mason in view of Davis and Business Editors. Mason relates to "obtaining Internet-type advertisements to fit designated advertising spaces allotted by a plurality of different and unrelated online newspaper websites, and automatically placing those advertisements." Mason, Abstract. Davis relates to influencing a position on a search result list. Davis, Abstract.

Business Editors relates to a search engine technology that eliminates inappropriate content from its search directory. Business Editors, Abstract. It is a "family-oriented search engine and Web portal designed to offer search engine services free of offensive or inappropriate material." *Id*. at p. 2, ¶3. It can monitor web pages in real-time when deciding on whether to filter pages. *Id*. at p.3, ¶2, 4. However, Business Editors does not disclose or relate to the filtering of advertisements that are displayed in a page. Business Editors filters web pages for searching by ah-ha.com users. *Id*. at p. 3, ¶2. In particular, its "technology will review all Web

<center>13</center>

sites added to the directory database and identify for removal sites that contain pornography, hate speech, weapons and gambling content." *Id.* at p. 2, ¶3. Accordingly, the Business Editors maintains a directory database with web pages for its search engine and filters web pages from that database. There is no disclosure of an automated review of advertisements for determining if they are approved as claimed. This is different from filtering web pages from a directory database for a search engine, because there is no approval or disapproval of an advertisement and subsequent acceptance/rejection of the advertisement, rather, web pages are removed from a database for Business Editors. Additionally, Mason and Davis fail to disclose an automated review of selected advertisements to determine approval as in claims 49, 67, and 92.

      Claims 49, 67 and 92 further relate to a request that includes a maximum amount to spend on the advertisement campaign. Conversely, Mason discloses that advertising space may be purchased "for a particular length of time, by the number of hits the ad receives or by the number of click-throughs." Mason, Col. 5, ll. 6-9. Accordingly, the system in Mason allows the user to specify a time length, a number of ad hits, or a number of click-throughs, but not a maximum amount to spend on the campaign. Mason describes that "a soup company can purchase space on a particular URL during a particular month and during a certain time of the day, for example, between 11:00 and 11:30 a.m [and] the soup company could purchase a million hits on one or a number of URLs or 15,000 click-through from one or a plurality of URLs." *Id.* at Col. 5, ll. 9-15. There is no disclosure in Mason of designating a maximum amount to spend on the campaign as in claims 49, 67, and 92.

      Mason also fails to disclose adjusting the maximum amount to spend as in claims 49, 67, and 92. As discussed above, Mason discloses purchasing based on time, hits or click-throughs and not based on a maximum amount to spend. Mason does not disclose designating a maximum amount to spend on the campaign and does not disclose "adjusting the maximum amount to spend." Mason does disclose the modification of an advertising campaign. *Id.* at Col. 6, ll. 30-33. However, the modifications include the number of ads, types of ads, ads displayed, and time of display. *Id.* at Col. 6, ll. 33-65. Further, Mason discloses that the GNI system "monitors [parameters including] the specific URL addresses, the costs of the ad placements, the image size requirements, the computer file size requirements, the closing dates for a particular advertising placement, the locations/buys, and the auditing process that will be used to monitor

and audit all aspects of the advertising campaign." *Id*. at Col. 6, ll. 9-16. This monitoring in Mason does not include an adjusting of a maximum amount to spend as in claims 49, 67, and 92.

Likewise, Mason fails to disclose accounting for the displaying based on the maximum amount to spend as in claims 49, 67, and 92. As discussed above, Mason doesn't utilize a maximum amount to spend in a request for an advertisement campaign. Mason also does not disclose displaying an ad and accounting for the displaying based on a maximum amount to spend. Conversely, Mason displays ads while accounting for "a particular length of time, by the number of hits the ad receives or by the number of click-throughs." Mason, Col. 5, ll. 6-9. Accordingly, Mason discloses that the ad is displayed until the time expires, the number of hits is reached, or the number of click-throughs is reached. Mason does not consider accounting for the displaying based on spending up to a maximum amount as in claims 49, 67, and 92.

In addition, Davis and Business Editors fail to disclose a maximum amount to spend as discussed above, including the adjusting of the maximum amount to spend and accounting for the displaying based on the maximum amount to spend. Davis discloses changing an advertisement bid for an auction method of purchasing advertisements. Davis, Col. 18, ll. 37-41. The advertiser can enter new bids or change bids in a bid input field. *Id*. at Col. 18, ll. 55-65. The bid is a price per display/click for one advertisement rather than a maximum amount to spend on an advertisement campaign. *Id*. at Col. 19, ll. 12-15. The highest bids may be used for ranking listings. *Id*. at Col. 9, ll. 1-7 and Fig. 8. The ranking may include a "bid to become #1" 907, which is the amount that must be bid to be ranked first. *Id*. at Fig. 9. That bid amount is a minimum amount that must be bid to be the highest ranking and does not relate to a maximum amount to spend on an advertisement campaign as in claims 49, 67, and 92.

Davis should not be combined with Mason because Davis states that "current paradigms for generating web site traffic, such as banner advertising, follow traditional advertising paradigms and fail to utilize the unique attributes of the Internet." Davis, Col. 3, ll. 15-19. Further, Davis states that "impression-based advertising inefficiently exploits the Internet's direct marketing potential, as the click-through rate, the rate of consumer visits a banner generates to the destination site, may be quite low." *Id*. at Col. 3, ll. 30-33. Conversely, Mason relates to placing and purchasing internet advertisements, including banner advertisements. Mason, Col. 3, ll. 43-56. Mason describes that its system displays banner ads and "that banner ads can be placed on any portion of a website and are most typically configured to 140 by 800 pixels, 86 by 60

pixels, 468 by 68 pixels, 184 by 90 pixels, 125 by 125 pixels and 234 by 60 pixels." *Id*. at Col. 3, ll. 44-50. As described, the advertising system in Mason is opposite the search result ranking system in Davis, and Davis explicitly describes advertising, such as banner advertisements in Mason, as a failure.

For the reasons described above, Applicants submit that independent claims 49, 67 and 92, as amended, are allowable. Likewise, claims dependent from allowable claims 49, 67 and 92 are also allowable. Specifically, dependent claims 50, 54-59, 61, 64, 66, 68-72, 77-83, 85, 88, 90, 91, and 93 were rejected under 35 U.S.C. § 103(b) as being obvious over Mason in view of Davis and Business Editors. For the reasons discussed above, Applicants submit that dependent claims 50, 54-59, 61, 64, 66, 68-72, 77-83, 85, 88, 90, 91, and 93 are allowable.

Claims 52, 53, and 74-76 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mason in view of Sparks. Sparks relates to the design and production of print advertising and commercial display materials over the Internet. Sparks, Abstract. Sparks fails to disclose an advertisement campaign with a maximum amount to spend and an automated review as discussed above in independent claims 49 and 67. Therefore, dependent claims 53, 75 and 76 should be allowed for the reasons discussed above.

Claims 51, 60, 62-63, 65, 73, 84, 86-87, 89, and 94 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mason in view of Official Notice. The Official Notice relates to the display of advertisements on a wireless devices, the advertisement placement, advertisement costs per click, advertisement costs per impression, etc. There is no Official Notice of an advertisement campaign with a maximum amount to spend and an automated review as discussed above in independent claims 49, 67 and 92. Therefore, dependent claims 51, 60, 62-63, 65, 73, 84, 86-87, 89, and 94 should be allowed for the reasons discussed above.

III.   CONCLUSION

Each of the rejections from the Office Action dated February 4, 2008 has been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

May 5, 2008   /Scott A. Timmerman/
Date   Scott A. Timmerman
                                                                       Registration No. 55,678
                                                                       Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200